IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9236 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NATWARSINH P RATHOD - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR AJ SHASTRI for Petitioner(s) : 1,
Mr. Mistry, Asst. GOVERNMENT PLEADER for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 04/04/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction or

order quashing and setting aside the impugned order dated 16.12.1997 by which the petitioner was transferred from District Panchayat, Valsad to Drainage Circle, Surat.

2. It was the contention on behalf of the petitioner that by order dated 5.8.1997 the petitioner was transferred from Damanganga Circle to District Panchayat, Valsad and within a short span of less than four months only under the guise of public interest the petitioner was retransferred and/or transferred from District Panchayat, Valsad to Drainage Circle, Surat. It is required to be noted that during the pendency of the present Special Civil Application there was no interim order passed by this Court. Under the circumstances, the impugned order of transfer dated 16.12.1997 must have been implemented and the petitioner must have resumed his duties at Drainage Circle, Surat, i.e., at the transferred place.

3. Under the circumstances, the Special Civil Application is disposed of. However, if the impugned order dated 16.12.1996 is not implemented for some reason and the petitioner has been continued at District Panchayat, Valsad, it will be open for the concerned respondent/s to transfer the petitioner in accordance with law and considering the administrative exigencies as by now a period of more than 10 years have passed. With these, the present Special Civil Application is disposed of. Rule is discharged. No costs.

[M.R. Shah, J.]

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